



NAVAJO COUNTY
PUBLIC WORKS DEPARTMENT
PLANNING & ZONING

STAFF REPORT

BOARD OF ADJUSTMENT

HEARING DATE: May 11, 2016
CASE NO: 16-07 (BOA)
ACTION: VARIANCE
APPLICANT/OWNER: Rodeo Court LP Apartments

PARCEL INFORMATION:

Address: 40 Rodeo Drive

APN(s): 212-57-017

Legal Desc: Lots 12 through 18, inclusive, of West Lane Subdivision, according to the Plat of Record in the Office of the County Recorder of Navajo County, Arizona, Recorded in Book 14 of Maps, Page 30, a.k.a. a portion of Township 9 North, Range 22 East, Section 26 of the Gila and Salt River Meridian, in the Lakeside area.

District: V

Parcel Size: Approximately .28 Acres

STATED REASON FOR REQUEST: To obtain a variance from the twenty (20) foot required front yard setback Section 1305 Item # 1 to fourteen (14) feet to allow the construction of a new community building as an addition to the existing structure on the parcel.

BACKGROUND & DISCUSSION: The proposed variance would allow for construction of a new community building as an addition to the existing building. The existing building, parking lots and topographical differences creates placement difficulty for the property owner to comply with the R-2 front yard setback. They are proposing to build on this parcel because it is a ideal central location and easily accessible by all tenants. Due to the program requirements, the current building design would encroach on the 20' front setback 5 to 6 feet, approximately 14' from the property line. The existing roadway, Rodeo Drive would still be located approximately 18' from the proposed building footprint. The Rodeo Court Apartments received funding for the rehabilitation from the Arizona Department of Housing Affordable Housing Program and will provide an improved living environment to the residents and to the community as a whole. As this is a family oriented development, the ADOH requires us to build a community building and playground for resident activities. There are limited options on the site to place the community building and playground areas. The current design includes a multi-purpose room, laundry facilities, and offices. In order to accommodate the program, they designed a 929 square foot building. The playground area would be located adjacent to the community building and would provide for a safe location for children to play.

The Public Works staff supports this variance as requested.

NAVAJO COUNTY ORDINANCES, PLANS, & REGULATIONS:

ZONING DISTRICTS:

(R-2) MULTIPLE-FAMILY RESIDENTIAL ZONING DISTRICT

Section 1301 - Purpose.

The principal purpose of this zoning district is to provide for multiple-family housing along with other types of high-density housing in locations which are suitable and appropriate taking into consideration existing conditions, including present use of land, future land use needs, and the availability of public utilities. The minimum lot required is six thousand (6,000) square feet in area and the minimum lot area required for each dwelling unit is two thousand (2,000) square feet. Principal uses permitted in this zoning district include multiple-family dwellings and other types of high-density housing, orphanages, rest homes, nursing homes and convents.

ZONING ORDINANCE:

Article(s): 28 – Board of Adjustment
Section(s): 2802 – Power and Duties

2. Variances

The board may grant variances from the terms of the Zoning Ordinance concerning the construction or placement of buildings and structures associated with permitted uses when, due to peculiar conditions, a strict interpretation would work an unnecessary hardship, if in granting the variance the general intent and purposes of the Zoning Ordinance will be preserved. "Peculiar conditions" must relate to the property on which the use is proposed and shall include exceptional narrowness, shallowness or shape, unusual topographic features, or other extraordinary features of the property or its surroundings which would result in unnecessary hardship for the owner if the Zoning Ordinance were strictly applied. No variance shall be granted if the hardship has been self-imposed by the owner or is a matter of mere inconvenience or personal preference. In granting a variance, appropriate conditions to preserve the intent and purposes of the Zoning Ordinance may be prescribed. A variance shall not be granted so as to allow a use not permitted by the regulations applicable to the zoning district in which the property is located.

COMPREHENSIVE PLAN/AREA PLANS: The subject property is in the unincorporated Lakeside area of the County and lies within the Pinetop-Lakeside planning area. The site is designated as Medium Density Residential in the Pinetop-Lakeside Area Plan with 1-4 residences per acre. Staff does not see any adverse effect to the plan or area.

GENERAL CHARACTER OF AREA: The subject site is zoned R-2, Multiple-Family Residential Zoning District, with a majority of single family residences, and the multi-family Rodeo Apartment Complex.

REVIEWING AGENCY COMMENTS & RECOMMENDATIONS:

COUNTY ATTORNEY:

No legal issues with this application, as long as the applicant obeys all local, State and Federal laws and regulations.

Initial: B.C. Date: 11-23-15

ENGINEERING:

The Engineering department has no objection to the proposed variance as long as all recommended stipulations are met.

Initial: W.R.B Date: 11-23-15

FLOOD CONTROL:

The Flood Control staff has reviewed the site plan as submitted. A review of the FEMA floodplain map shows that this property is not in a floodplain. The Flood Control Staff has no objection to the proposed Variance as long as all recommended conditions are met.

Initial: R.P. Date: 11-23-15

IN SUMMARY:

The Planning staff has reviewed the variance request and determines it is ready for Board action.

Initial: P.S. Date: 11-30-15

PUBLIC WORKS DEPARTMENT RECOMMENDATION: Should the Board grant this Variance, staff would recommend the following conditions be applied:

1. Building permits, and any building related permit, shall be obtained through the Navajo County Department of Public Works.
2. Proof that a Registered Land Surveyor has verified all applicable setbacks prior to constructing the community building addition and playground.

RESOLUTION NO. 16-03B

A RESOLUTION OF THE NAVAJO COUNTY BOARD OF ADJUSTMENT, DENYING A VARIANCE

WHEREAS, the Navajo County Board of Adjustment is authorized by Section 2802(2) of the Navajo County Zoning Ordinance to grant Variances upon the terms and conditions set forth therein; and

WHEREAS, at a duly noticed public hearing held this date the Board of Adjustment determined that the following Variance should be denied subject to the conditions set forth herein:

OWNERS: RODEO COURT LP

**LEGAL
DESCRIPTION:** NAVAJO COUNTY ASSESSOR'S PARCEL NO. 212-57-017,
Section 26, Township 9 North, Range 22 East.

APPROVED USE: A Variance from the Twenty (20) foot front yard setback to a fourteen (14) foot front yard setback to allow construction of a community building on the parcel.

NOW, THEREFORE, BE IT RESOLVED by the Navajo County Board of Adjustment that a Variance for the above-described use on the subject parcel is hereby **DENIED**.

The Secretary shall transmit this Resolution to the Navajo County Recorder's Office for recordation.

PASSED AND ADOPTED by the Navajo County Board of Adjustment on **May 11, 2016**

Navajo County Board of Adjustment

Bill Arendell, Chairman

ATTEST:

Cherie Camp, Secretary

RESOLUTION NO. 16-03B

A RESOLUTION OF THE NAVAJO COUNTY BOARD OF ADJUSTMENT, APPROVING A VARIANCE

WHEREAS, the Navajo County Board of Adjustment is authorized by Section 2802(2) of the Navajo County Zoning Ordinance to grant Variances upon the terms and conditions set forth therein; and

WHEREAS, at a duly noticed public hearing held this date the Board of Adjustment determined that the following Variance should be approved subject to the conditions set forth herein:

OWNERS: RODEO COURT LP

LEGAL

DESCRIPTION: NAVAJO COUNTY ASSESSOR'S PARCEL NO. 212-57-017,
Section 26, Township 9 North, Range 22 East.

APPROVED USE: A Variance from the Twenty (20) foot front yard setback to a fourteen (14) foot front yard setback to allow construction of a community building on the parcel.

NOW, THEREFORE, BE IT RESOLVED by the Navajo County Board of Adjustment that a Variance for the above-described use on the subject parcel is hereby **APPROVED** subject to the following conditions:

1. Building permits, and any building related permit, shall be obtained through the Navajo County Department of Public Works.
2. Proof that a Registered Land Surveyor has verified all applicable setbacks prior to constructing the additional dwelling.

The Secretary shall transmit this Resolution to the Navajo County Recorder's Office for recordation.

PASSED AND ADOPTED by the Navajo County Board of Adjustment on **May 11, 2016**

Navajo County Board of Adjustment

Bill Arendell, Chairman

ATTEST:

Chérie Camp, Secretary



NAVAJO COUNTY PUBLIC WORKS DEPARTMENT

PLANNING & ZONING

Post Office Box 668 - 100 East Code Talkers Drive
Holbrook, Arizona 86025
(928) 524-4100 FAX (928) 524-4122
www.navajocountyaz.gov

VARIANCE APPLICATION

OWNER & CONTACT INFORMATION:

OWNER'S NAME: Rodeo Court, LP
OWNER PHONE NO.: 208-286-2219 FAX #: 208-344-5602
OWNER EMAIL ADDRESS: Julie.hytt@mmc.com
OWNER MAILING ADDRESS: 10400 W. OVERLAND RD #419
CITY: BOIX STATE: ID ZIP CODE: 83709

CONTACT NAME: Jose La Cruz Crawford
COMPANY NAME: JLLC Design + Consulting
CONTACT PHONE NO.: 505-690-5571 FAX #:
CONTACT EMAIL ADDRESS: jose@jllc.com
CONTACT MAILING ADDRESS: 3000 Cerrillos Road, Suite 714 F
CITY: Santa Fe STATE: NM ZIP CODE: 87507

SUBJECT PROPERTY INFORMATION:

LOCATION (Include nearest town/community): 40 Rodeo Dr.
Holbrook AZ 86029

GENERAL DIRECTIONS TO PARCEL:

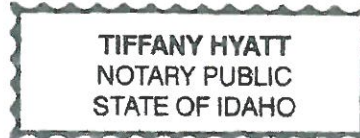
PROPERTY ADDRESS (if known): 40 Rodeo Dr.
LEGAL DESCRIPTION: Township 9 North, Range 22 East, Section(s) 26
ASSESSOR PARCEL NO.: 212-57-017
PROPERTY SIZE: 0.28 acres; square feet
SUBDIVISION NAME: West Lane LOT #: 17
DATE OF OWNERSHIP: 3-1-16
PRESENT USE OF PROPERTY: Apartment Complex
PROPOSED USE OF PROPERTY: Apartment Complex
CURRENT ZONING: R-2

By submitting this application, the applicant and property owner hereby consent to site visits in order for planning staff to prepare the case report to the Board of Adjustment and to post the property pursuant to A.R.S. §11-805, 11-813, 11-815, 11-829, or 11-831.
(continued):

OWNER'S AFFIDAVIT:

I, (print name) Tule Hyatt, being duly sworn, depose and say that I am the owner of the property involved in this application and that the information herewith submitted is true and correct to the best of my knowledge.

[Signature]
Owner's Signature



STATE OF Idaho)
COUNTY OF Ada) SS

Sworn and subscribed before me on this 18th Day of March, 20 16

[Signature]
Notary Public

Feb 1, 2020
My Commission Expires

For Staff use only:

Accepted by: _____ Date: _____

Submittal Approved: _____ Date: _____

Case #: _____ Fee: _____

Board of Adjustment: _____ Action: _____

Notes / Stipulations: _____



3600 CERRILLOS ROAD, SUITE 714F
SANTA FE, N.M. 87507
505. 690.5579

03/03/16

Navajo County Public Works Department
Planning & Zoning
P.O. Box 668
Holbrook, Arizona 86025

Re: Variance Application

To whom it may concern,

We are seeking a variance to the 20'-0" front setback requirement on Lot 17 of the existing multi-family housing development located at 40 Rodeo Drive in Lakeside, AZ. We seek to construct a new community building which would be sited approximately 14'-0" from the property line.

The existing multi-family housing development consists of 7 existing buildings located on 7 separate lots which are located on both sides of Rodeo Drive (please refer to the attached site plans for reference). There is limited space available on the development due to existing buildings, parking lots, and topography. We are proposing to site the building on Lot 7 as an addition to an existing structure (Building 6). This is also an ideal central location for a community building and would be easily accessible by all tenants. Due to the program requirements, the current building design would encroach on the 20' front setback requirement by approximately 5 to 6 feet as the building footprint is approximately 14' from the property line. It should be noted that the existing roadway, Rodeo Drive would still be located approximately 28' from the proposed building footprint.

The Rodeo Court Apartments received funding for the rehabilitation from the Arizona Department of Housing (ADOH) Affordable Housing Program and will provide an improved living environment to the residents and to the community as a whole. As this is a family oriented development, the ADOH requires us to build a community building and playground for resident activities. There are limited options on the site to place the community building and playground areas. The current design of the community building includes a multi-purpose room, laundry facilities, and offices. In order to accommodate the program, we have designed a 929 square foot building. The playground area would be located adjacent to the community building and would provide a safe location for children to play.

Our only other option is to relocate the community building to where the proposed playground area would be which would completely eliminate the playground area and leave the children playing closer to the road. We hope that you agree that our proposed site plan and community building location is more conducive to the aesthetics and safety of the development. Our intention is to provide the safest most family friendly development for our residents. After careful consideration, we believe this site plan provides a safe and thoughtful solution and would still preserve the intent and purpose of the zoning ordinance.

We hope that you consider our request for the variance as we will provide a much needed amenity for the families and children who reside here.

Sincerely,

Jose La Cruz-Crawford
JLCC Design & Consulting LLC

2016-02598

Page 1 of 2

Requested By: American Title Service Agency
Navajo County Recorder - Laura V. Sanchez
03-01-2016 08:38 AM Recording Fee \$15.00

RECORDING REQUESTED BY
American Title Service Agency, LLC.
AND WHEN RECORDED MAIL TO:

RODEO COURT, LP
C/O JULIE HYATT
8599 W VICTORY RD
BOISE, ID 83709

ESCROW NO.: 00064300 - 051 - TAS

SPACE ABOVE THIS LINE FOR RECORDER'S USE

Special Warranty Deed

For the consideration of Ten Dollars, and other valuable considerations, HOMESTEAD WEST LIMITED PARTNERSHIP, an Idaho limited partnership does hereby convey to RODEO COURT, LP, an Arizona limited partnership the following real property situated in Navajo County, ARIZONA:

SEE LEGAL DESCRIPTION AS EXHIBIT "A" ATTACHED HERETO AND MADE A PART HEREOF

SUBJECT TO: Current taxes and other assessments, reservations in patents and all easements, rights of way, encumbrances, liens, covenants, conditions, restrictions, obligations, and liabilities as may appear of record.

And the Grantor hereby binds itself and its successors to warrant and defend the title, against all acts of the Grantor herein, and no other, subject to the matters set forth.

Dated this February 25, 2016

SELLER:

HOMESTEAD WEST LIMITED PARTNERSHIP, an Idaho
limited partnership

By: SELLERS GROUP HOLDING COMPANY, L.L.C., a
Utah limited liability company

Its: General Partner

Brian L. Sellers

By: BRIAN L. SELLERS

Its: Manager

State of Utah
County of Salt Lake



(Affix notary seal here)

On this 25 day of February, 2016, before me personally appeared BRIAN L. SELLERS, Manager of Sellers Group Holding Company, General Partner of HOMESTEAD WEST LIMITED PARTNERSHIP, an Idaho limited partnership, whose identity was proven to me on the basis of satisfactory evidence to be the person who he claims to be, and acknowledged that he signed this Special Warranty Deed.

Carol S. MacKay
Notary Public

My commission expires on 9/19/2019

2016-02598 03-01-2016 Page 2 of 2

No. 5757768

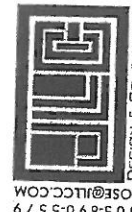
EXHIBIT "A"

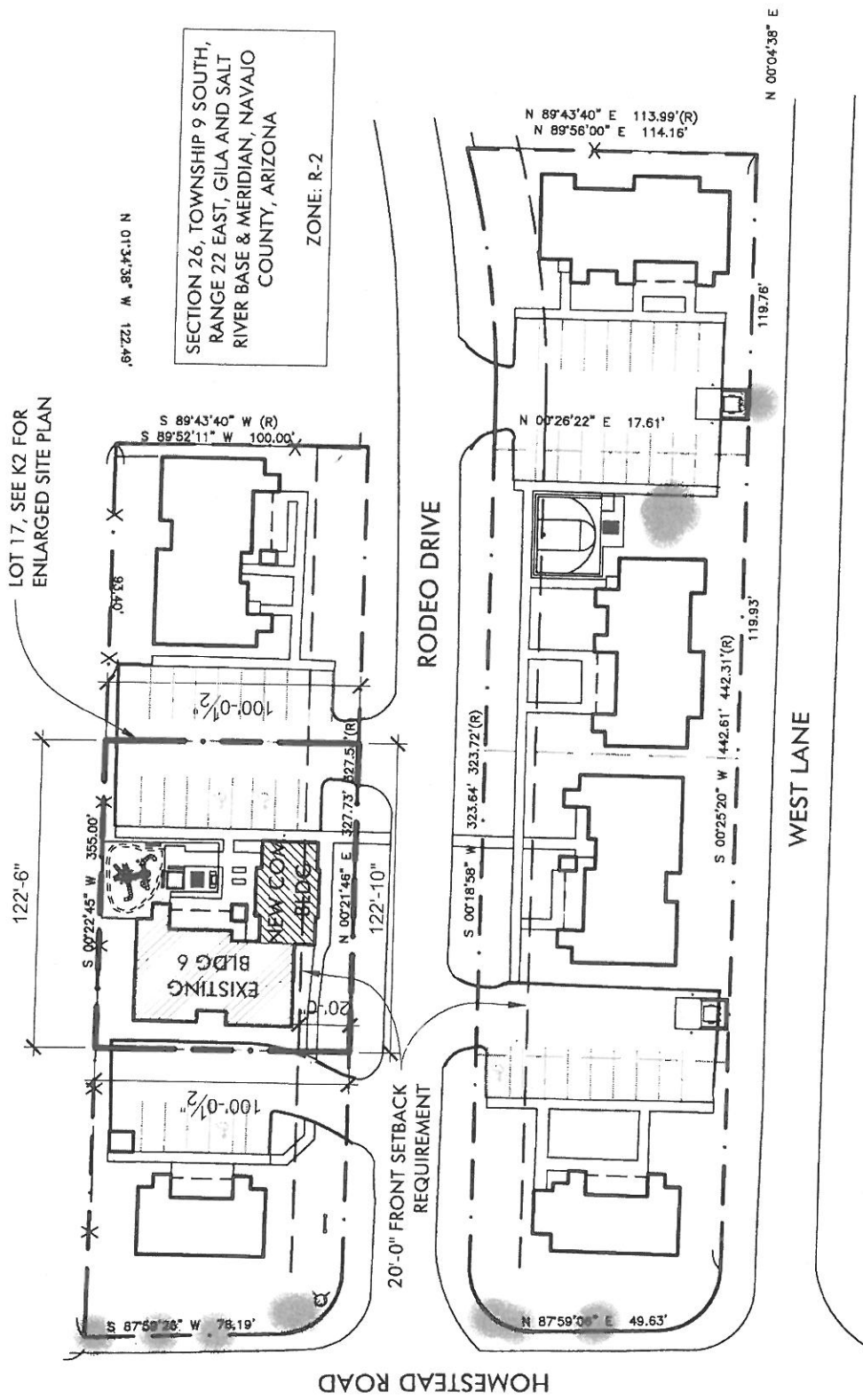
LOTS 12 THROUGH 18, INCLUSIVE, OF WEST LANE SUBDIVISION, ACCORDING TO THE PLAT OF RECORD IN THE OFFICE OF THE COUNTY RECORDER OF NAVAJO COUNTY, ARIZONA, RECORDED IN BOOK 14 OF MAPS, PAGE 30.



NEW PROPOSED
COMMUNITY
BUILDING

PROJECT # 1504
DATE 02.29.16
SHEET # K2





1 SITE PLAN
K1 SCALE: 1"=60'-0"



RODEO COURT APARTMENTS, LP
40 Rodeo Drive Lakeside, AZ 85929
SITE PLAN

PROJECT #	1504
DATE	02.29.16
SHEET #	K1

